

REMARKS

Claims 1-6 are pending in this application. Claims 1 and 6 are independent. In light of the remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 2, and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Moorman* (USP 5,041,911) in view of *Ueno et al.* (USP 5,625,415); rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Moorman* in view of *Ueno et al.* and further in view of *Takanashi et al.* (USP 6,313,923); and rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over *Moorman* in view of *Ueno et al.* and further in view of *Kadowaki* (JP 08-202325). Applicant respectfully traverses these rejections.

Examiner Interview

Applicant wishes to thank the Examiner for the interview conducted on July 20, 2004. During the interview, the parties agreed that the elements as set forth in claim 4 are distinguished over the references as cited by the Examiner. It is respectfully requested that the outstanding rejection of claim 4 be withdrawn. Should the Examiner maintain or provide new rejections with regard to any of the outstanding claims, it is respectfully requested that the Examiner do so in a non-final Official Action.

**Claim Rejections - 35 U.S.C. § 103 -
*Moorman/Ueno et al.***

During the interview, Applicant presented arguments that the cited references fail to teach or suggest the gradation area dividing device of the present invention. The Examiner asserted that *Moorman* teaches when input code values are mapped into particular ranges, this results in gradation areas that are coarser than the individual pixels. As evidenced in the Interview Summary, the Examiner additionally noted that he was considering fine gradation as equated to each individual pixel. Applicant respectfully disagrees with this characterization.

As evidenced by the Examiner's definition provided in the Response to Arguments section of the outstanding Official Action, a gradation is defined as "the advancement of successive stages, tones, or shades, as from one color to another." It is respectfully submitted that in order to provide for such advancement of successive stages, tones, or shades, an individual pixel is insufficient. More than one pixel must be utilized in determining an advancement of successive stages, tones, or shades.

Applicant maintains his position that *Moorman* fails to teach the gradation area dividing device of the present invention. As *Ueno et al.* fails to cure the deficiencies of the teachings of *Moorman*, it is respectfully submitted that claim 1 is not obvious over the references as cited by the Examiner.

In addition to the above argument, it is respectfully submitted that the Examiner has provided non-combinable references in support of his rejection. Assuming, *arguendo*, that *Moorman* teaches dividing an area into gradation areas, there is no teaching or suggestion, as admitted by the Examiner, in *Moorman* that is directed to selecting an individual gradation area. *Ueno et al.*, in connection with Figs. 7 and 8, provide for a user to select an area in which to retrieve luminance information in connection with the selected area. First, it is respectfully submitted that this teaching is insufficient to teach or suggest selecting a gradation area as recited in combination with the other elements of the claim. Second, it is respectfully submitted that as *Moorman* provides for, *arguendo*, luminance information within particular ranges, one of ordinary skill in the art would not look to the teachings of *Ueno et al.* which teaches allowing a user to manually request information with regard to the luminance information.

As neither of the references teach or suggest all of the claimed elements, and further, as the Examiner has provided non-combinable references in support of his rejection, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claim 6 contains elements similar to those discussed

above with regard to claim 1 and, thus, claim 6 is not obvious over the references as cited for the reasons set forth above with regard to claim 1.

**Claim Rejections - 35 U.S.C. § 103 -
*Moorman/Ueno et al./Takanashi et al.***

In support of the Examiner's rejection of claim 3, the Examiner relies on the teachings of *Takanashi et al.* to cure the deficiencies of both *Moorman* and *Ueno et al.* in order to render claim 3 obvious. Applicant respectfully disagrees with the Examiner's rejection and submits that these references are not properly combinable.

The Examiner admits, in support of the outstanding rejection, that *Moorman* does not require the image to be displayed. However, the Examiner asserts that it would have been obvious to one of ordinary skill to display the contours of the image in order to reduce the processing load. However, in displaying the contour image of *Moorman*, additional processing would need to take place. This ultimately results in *Takanashi et al.* teaching away from the purported combination of displaying the contour feature together with the disclosure of *Moorman*. As such, it is respectfully submitted that one of ordinary skill would not look to the teachings of *Takanashi et al.* to cure the deficiencies of the teachings of *Moorman*. As such, Applicant submits that these

references are not combinable. It is respectfully requested that the outstanding rejection be withdrawn.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants respectfully petition for a three (3) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$950.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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